

REMARKS

This is in response to the Office Action mailed on June 8, 2004, and the references cited therewith. Claims 1-6 and 8-20 are amended herein, and claim 7 has been cancelled. As a result, claims 1-6 and 8-20 are now pending in this application.

Double Patenting Rejection

Claims 1-20 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-24 and 29 of U.S. Patent No. 6,636,963. Applicant submits herewith a terminal disclaimer to overcome the rejection.

§112 Rejection of the Claims

Claims 2-20 were rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Claims 2-6 and 8-20 have been amended herein in a manner believed to overcome the rejection.

§103 Rejection of the Claims

Claims 1, 3, 5-7, 9 and 10 were rejected under 35 USC § 103(a) as being unpatentable over Laney et al. (U.S. Patent No. 5,710,930) in view of Davis (U.S. Patent No. 4,959,774) and Prutchi (U.S. Patent No. 5,578,064). Claim 2 was rejected under 35 USC § 103(a) as being unpatentable over Laney et al. (U.S. Patent No. 5,710,930) and Davis (U.S. Patent No. 4,959,774) and Prutchi (U.S. Patent No. 5,578,064) as applied to claims 1 above, and further in view of IBM Technical Disclosure Bulletin, "Hibernating and Resuming using a Compressed Memory Image" (hereinafter, "TBD"). The rejections are traversed and reconsideration is respectfully requested.

Claim 1 has been amended to recite an external programmer with a target state process for moving the external programmer to a desired target state, a target state image saving routine for creating an image of the target state and storing the target state image as a target state data structure and a target state memory image in an image storage medium, and an operating system

return routine for returning control of the external programmer to the operating system software after execution of the target state image saving routine. Applicant is unable to find a teaching or suggestion for this feature in Laney, Davis, Prutchi, or TDB. Laney, Davis, and TDB do not teach a system in which a system is moved to a desired target state, the target state is saved, and control of the system is then returned to the operating system software after saving the target state to which the computer system can be later restored. Laney and TBD, for example, appear to only deal with returning a system after hibernation or powering down to whatever state the system was in prior to hibernating or powering down. Similarly, Davis discusses the use of a non-volatile shadow memory to replicate the contents of a volatile main memory, but there is no teaching for the shadow memory containing an arbitrarily selected target state. Rather, the shadow memory is continually updated to reflect changes stored in the main memory so that "the non-volatile storage data remains nearly current with the volatile storage data." (See col.1, lines 60-64 of Davis.) It is therefore submitted that the prior art of record does not teach or suggest a system in which a system is moved to a desired target state, the system saves the target state and then leaves the target state, and the system is later restored to the target state.

Applicant respectfully submits that claim 1 as amended herein is patentable over the prior art of record. The remaining claims 2-6 and 8-20 recite additional limitations to the patentable subject matter recited by claim 1 which are asserted to be neither taught nor suggested by the prior art of record in that context. Applicant therefore respectfully requests withdrawal of the section 103 rejections applied to claims 1-6 and 8-20.

Allowable Subject Matter

Applicant notes that claims 4, 8 and 11-20 were objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6912 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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Date 10-8-04

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 8 day of October, 2004.

Peter Reb-fani

Name


Signature